

REMARKS

Claims 16-25 are pending in this application. By this Amendment, independent claim 16 is amended to recite "the controller including a processor, the processor being in an off-state in the power save mode and being in an on-state in the normal mode to control the image forming portion". Support for this amendment can be found, for example, in CPU 151 (Fig. 1). Claims 17-25 are amended for clarity to change expressions such as "configured to control" to "that controls". No new matter is added.

I. The Claims Are Patentable Over The Applied References

The Office Action (1) rejects claims 16, 18-21, 23 and 25 under 35 U.S.C. §103(a) over U.S. Patent No. 5,933,581 to Miyazaki et al. (Miyazaki) in view of U.S. Patent No. 6,100,995 to Itoh and U.S. Patent No. 5,881,335 to Yang; and (2) rejects claims 17, 22 and 24 under 35 U.S.C. §103(a) over Miyazaki in view of Itoh and Yang, and further in view of U.S. Patent No. 6,742,130 to Kawase. Applicants respectfully traverse the rejections.

Regarding independent claim 16, the applied references fail to disclose or render obvious "a controller that controls the image forming portion to output the received data after a period of transition from the power save mode to the normal mode, the controller including a processor, the processor being in an off-state in the power save mode and being in an on-state in the normal mode to control the image forming portion; and a communication interface that receives the data from the external device and that controls a speed for receiving the data during the period of transition, wherein the communication interface receives the data during the period of transition" (emphasis added).

Miyazaki discloses a facsimile apparatus 1000 having a main unit 1000a and a recording unit 1000b (Fig. 18; col. 8, lines 44-50). The facsimile apparatus 1000 has an energy saving stand-by (ESS) mode (col. 9, lines 46-55). The Office Action cites (i) to recording unit 1000b as allegedly corresponding to the claimed image forming apparatus; (ii)

to the normal operation mode and low power consumption mode (col. 6, lines 23-25) as allegedly corresponding to the claimed normal mode and power save mode; (iii) to main unit 1000a as allegedly corresponding to the claimed external device; (iv) to print buffer 1116 as allegedly corresponding to the claimed image forming portion; and (v) to I/F unit 1113 as allegedly corresponding to the claimed receiver (of prior claim 6).

Miyazaki does not disclose that I/F unit 1113 is able to receive data during the transition period of transitioning from the energy saving stand-by (ESS) mode to normal operation. In the ESS mode, the recording unit 1000b is completely shut off (col. 9, lines 46-55). In this case, Miyazaki discloses that receiving unit 1000b is in "power-off" mode (*id.*). Thus, during the ESS mode, power also is shut off to I/F unit 1113.

The Office Action acknowledges that Miyazaki fails to disclose the claimed communication interface that (1) includes the claimed receiver; and (2) that controls a speed of receiving, but cites to Itoh for these features.

Itoh discloses a PC 1 coupled to a multi-function device (MFD) 2 (Fig. 1; col. 3, lines 25-29) that contains interface (I/F) 36 (Fig. 1). The MFD 2 includes a printer (Abstract). The Office Action cites to Itoh I/F 36 as allegedly disclosing the claimed communication interface; and cites to col. 6, lines 9-23 as allegedly disclosing that the I/F 36 controls the speed of transmission during the period of transition.

However, Itoh merely discloses that the reception speed of control means 31b controls the reception speed of data received from the PC 1 to be lower "if the capacity remainder of the RAM 33 reduces below a predetermined level .[e.g., 10K bytes] while the MFD 2 operates in the facsimile transmission or reception mode" (emphasis and comment added; col. 6, lines 19-25). That is, Itoh merely discloses reducing the rate of reception of data during normal operation if the available storage capacity falls below a threshold in order to prevent data loss due to overrunning the available storage.

The Office Action acknowledges that Miyazaki in view of Itoh fails to disclose a receiver that receives the data during the period of transition, but cites to Yang for this feature.

Yang discloses a power saving method. The Office Action cites to Yang controller 120 as allegedly corresponding to the claimed controller and alleges that the controller 120 receives data during a transition from power save mode to processing routine, citing Fig. 4 and col. 6, lines 10-31.

The power save mode of Applicants' disclosed embodiments is a mode relating to the controller that controls a printer and does not relate to the control of the start-up of a fixing device such as disclosed in Yang. In disclosed embodiments, and as recited in claim 16, the communication interface controls data reception instead of the CPU during the period of the off-state of the CPU to the on-state of the CPU at which time the CPU can control the printer.

In Yang, the period of transition from the power save mode to the normal mode of operation occurs in the period in which the temperature of the fixing device is increased from a lower temperature to a temperature at which the fixing operation can be performed (Fig. 2). This temperature is controlled by the CPU of the controller in a state where the CPU has power (col. 5, lines 28-50, especially lines 29-30). In Yang, during the power save modes (first through third), power is saved by the heat lamp being turned off (col. 5, lines 65-67; col. 6, lines 19-23; and col. 6, lines 45-47). Accordingly, Yang does not disclose the claimed communication that receives the data and that controls a speed for receiving the data during the period of transition, the period of transition being from the power save mode to the normal mode, the processor being in an off-state in the power save mode and being in an on-state in the normal mode, as recited by claim 16.

For the foregoing reasons, Applicants request withdrawal of the rejections.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jonathan H. Backenstose
Registration No. 47,399

JAO:JHB/mab

Attachment:

Request for Continued Examination

Date: November 17, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--